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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PEDRO ANTONIO SOTO-GONZALEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 04-74358

Agency No. A90-886-051

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 22, 2008<sup>\*\*</sup>

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Pedro Antonio Soto-Gonzalez, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (“BIA”) summarily affirming an immigration judge’s (“IJ”) decision denying his motion to reopen

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal proceedings conducted in absentia. We have jurisdiction pursuant to 8 U.S.C. § 1252. *Fernandez-Ruiz v. Gonzales*, 468 F.3d 1159, 1163 (9th Cir. 2006). Reviewing for abuse of discretion, *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1187 (9th Cir. 2001) (en banc), we deny the petition for review.

The IJ acted within his discretion in denying Soto-Gonzalez's motion to reopen. 8 C.F.R. § 292.4(a) does not support Soto-Gonzalez's contention that his counsel was required to enter a new notice of appearance after the BIA remanded his proceedings. As counsel did not withdraw from representing Soto-Gonzalez before or during his October 8, 2002 hearing, the notice provided to counsel of that hearing was adequate to notify Soto-Gonzalez, and satisfied due process. *See Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000) (per curiam).

**PETITION FOR REVIEW DENIED.**